

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

GLEND A BRUNK,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:17-CV-188-SNLJ
)	
CONSECO BANK INC. and U.S.)	
BANK N.A. AS TRUSTEE FOR)	
CONSECO FINANCE HOME EQUITY)	
LOAN TRUST 2002-A,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Pro se plaintiff Glenda Brunk filed this lawsuit against defendant U.S. Bank as trustee for Conseco Finance Home Equity Loan Trust 2002-A and against defendant Conseco Bank, Inc., in an attempt to avoid foreclosure of her home. Conseco Bank did not answer the complaint and has never appeared; this Court granted a default judgment against it on September 19, 2018 [#34]. On March 31, 2021, this Court granted defendant U.S. Bank’s motion for summary judgment on the remaining two counts, which were Count V for invalid appointment of trustee, and Count VI for violation of the Truth In Lending Act (“TILA”) for failing to notify plaintiff that defendant was the new owner of her debt [#80].

On April 28, 2021, plaintiff moved for reconsideration [#89] under Federal Rule of Civil Procedure 59(b) because she says that her home, a manufactured home, is personalty and not real estate. She says the home is as a result not secured either by the

Note nor the mortgage to which the Conseco Finance Home Equity Loan Trust 2002-A pertained, but rather is secured under a “UCC9 lien owned by Conseco Financial Services Corp.” [#89 at 1.] Plaintiff now asks “What is the monetary value of [plaintiff’s] default judgment against Conseco Bank?” and “Can this be used as an offset against a UCC 9 lien held by the bank’s subsidiary?”

Defendant U.S. Bank did not respond. This matter is currently on appeal, and the Court of Appeals stayed the briefing schedule pending resolution of this matter. The Court will order defendant U.S. Bank to respond.

Accordingly,

IT IS HEREBY ORDERED that defendant U.S. Bank shall respond to plaintiff’s motion for reconsideration within 14 days.

Dated this 17th day of June, 2021.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE